Programme

Convened by Herbert Smith Freehills and BIICL Investment Treaty Forum

17.00  Registration

17.30  Welcome and introduction
       Professor Yarik Kryvoi, British Institute of International and Comparative Law, London

       Panel discussion

       Chair:
           Iain Maxwell, Herbert Smith Freehills, London

       Speakers:
           Colin Brown, Deputy Head of Unit, Directorate General for Trade, European Commission, Brussels
           Professor Loukas Mistelis, Director of the School of International Arbitration, Queen Mary University London
           Christian Leathley, Herbert Smith Freehills, New York

18.45  Q&A followed by drinks and networking

20.30  Close
Introduction

Investment arbitration has grown exponentially over the last twenty years. However, the last few years have seen a backlash, and a number of developments that may result in a reversal of that trend including:

- the EU’s Investment Court proposals, which have been incorporated in the agreed texts for the EU-Canada Comprehensive Economic and Trade Agreement (CETA) and the EU/Vietnam FTA;
- the European Court of Justice’s Opinion of May 2017 on the EU/Singapore FTA, which may require all EU Member States to ratify any agreement by the EU providing for investment arbitration (or indeed an Investment Court), possibly impacting on the EU’s plans, and on the fate of investment arbitration in future EU agreements;
- the Commission’s recommendation for a Council decision authorising the opening of negotiations for a Convention establishing a multilateral court for the settlement of investment disputes, and on the fate of investment arbitration in future EU agreements;
- the United States’ proposals to renegotiate NAFTA; and
- the termination of existing BITs by a number of States, including India and Indonesia.

Join in the conversation for this event
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Biographies

Introduction

Professor Yarik Kryvoi
Director, Investment Treaty Forum
British Institute of International and Comparative Law
London

Professor Yarik Kryvoi is the Senior Research Fellow in International Economic Law and Director of the Investment Treaty Forum at the British Institute of International and Comparative Law (BIICL). He is also Professor of Law at the University of West London (part-time) and runs several projects, primarily related to the former Soviet Union countries. For several years he practiced international commercial law and dispute resolution advising investors, States, international organizations and non-governmental organisations on matters of international law, commercial arbitration and investor-state arbitration. Professor Kryvoi has published extensively on international dispute resolution, international economic law, employment law as well as law and policy in former Soviet Union countries. He is also a respected adviser to governments internationally on public sector excellence - particularly in the areas of the rule of law, courts, effective management and regulation of legal services and the legal profession.

Chair

Iain Maxwell
Of Counsel
Herbert Smith Freehills
London

Iain is an Of Counsel in the international arbitration group at Herbert Smith Freehills, with a particular expertise in investment arbitration. He acts in international cases across all major industry sectors in particular power, water and mining. He has acted in cases in every continent. He also advises on a broad range of public international law issues, including sovereign immunity, sanctions, and boundary issues. Iain has also acted in complex litigation cases before the English High Court. Iain has worked on cases administered by all the major arbitration institutions including ICSID, ICC, LCIA, and SIAC.
Speakers

Colin Brown
Deputy Head of Unit, Directorate General for Trade, European Commission
Brussels

Colin Brown is a lawyer and Deputy Head of Unit of Unit F.2 - Dispute Settlement and Legal Aspects of Trade Policy in the Directorate General for Trade of the European Commission. He advises on a range of trade and investment issues. He leads the team of lawyers working on investor-state dispute settlement in the trade and investment policy of the European Union, in particular the Investment Court System and now the work on the Multilateral Investment Court project. He has been responsible for developing the EU’s approach to investor-state dispute settlement, led the negotiations on this issue with Canada; was the EU delegate to UNCITRAL during the preparation of the transparency rules; and is responsible for the Regulation on Financial Responsibility for investor-state dispute settlement. He also leads the teams providing legal advice on the Transatlantic Trade and Partnership Agreement (TTIP) and the Comprehensive Economic and Trade Agreement (CETA) with Canada. In his career with DG TRADE he has worked on all legal aspects of the work of the European Commission in the field of trade, in particular on EU FTAs, in providing advice on EU legislation and on WTO matters.
Professor Loukas Mistelis is a member of the Centre for Commercial Law Studies (CCLS) at Queen Mary University London, where he is Director of the School of International Arbitration and the Clive M Schmitthoff Professor of Transnational Commercial Law and Arbitration. He also co-ordinates the specialisations in International Commercial Law, Arbitration and Tax. He teaches at the LLM programme and is the co-ordinator of the courses in International and Comparative Commercial Arbitration and International Trade and Investment Dispute Settlement and also teaches on the International Commercial Law, International Commercial Litigation and ADR courses. Loukas is an acknowledged authority on international dispute resolution. He has been listed as one of the “leading lights in international arbitration”, 45 under 45, amongst the top 15 highlighted members of the list and has also been listed on the Who’s Who Commercial Arbitration since 2007.

Christian Leathley
Partner
Herbert Smith Freehills
New York

Christian is a partner in the Herbert Smith Freehills international arbitration group, specialising in international commercial and investment arbitration. He dedicates much of his practice to the firm’s clients’ interests in Latin America, based in New York and working closely with the London, Madrid and Paris offices. He acts for corporations and sovereign states across all major industry sectors, and in particular energy (oil & gas, power), technology, construction, engineering, mining, media and telecommunications. He has nearly 20 years’ experience of working in all countries throughout Central and South America.